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 15 [Proposed] Attorneys for Debtor

16 **UNITED STATES BANKRUPTCY COURT**  
 17 **FOR THE DISTRICT OF NEVADA**

18 In re:  
 19 GUMP'S HOLDINGS, LLC,  
 20 Debtor.

21 Case No.: BK-S-18-14683-leb  
 22 Chapter 11  
 23 Joint administration requested  
 24 Hearing Date: N/A  
 25 Hearing Time: N/A

26 **EX PARTE APPLICATION FOR ORDER SHORTENING**  
 27 **TIME TO HEAR FIRST DAY MOTIONS**

28 Gump's Holdings, LLC, Gump's Corp., and Gump's By Mail, Inc. (collectively, “Debtors”),<sup>1</sup> debtors and debtors-in-possession, hereby respectfully submit this *ex parte* application (the “Application”) seeking entry of an order shortening time, substantially in form attached hereto as **Exhibit 1**, to hear the following motions filed by Debtors on August 8, 2018:

- 29 (i) *Motion for Order Authorizing Maintenance of Prepetition Cash Management System and Bank Accounts; and Granting Related Relief* (the “Bank Accounts Motion”);
- 30 (ii) *Motion for Order (A) Approving Agency Agreement, (B) Authorizing and Approving Store Closing Sale Free and Clear of All Liens, Claims, and Encumbrances, (C) Granting Liens, and (D) Granting Related Relief* (the

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31 <sup>1</sup> Contemporaneously herewith, each Debtor has filed an application for an order jointly-administering the Chapter 32 cases, with the Holdings case as the lead case.

1                   “Agency Agreement Motion”); and

2                   (iii) *Emergency Motion for Interim and Final Orders (A) Authorizing the*  
 3                   *Debtors to Obtain Limited Post-Petition Financing, (B) Granting Liens*  
 4                   *and Providing Administrative Expense Status, (C) Authorizing the*  
 5                   *Debtors’ Limited Use of Cash Collateral, (D) Granting Adequate*  
 6                   *Protection, (E) Modifying the Automatic Stay, and (F) Granting Related*  
 7                   *Relief*(the “Financing Motion”).

8 (collectively, the “First Day Motions”).

9                   Debtors respectfully request that the First Day Motions be heard on shortened time on  
 10                   **August 9, 2018.**

11                   Debtors anticipate that the hearing on the First Day Motions will last approximately two  
 12                   (2) hours and thirty (30) minutes.

13                   This Application for order shortening time to hear the First Day Motions is made and  
 14                   based upon Bankruptcy Rule 9006, the following Memorandum of Points and Authorities, the  
 15                   omnibus declaration of Tony Lopez in support of the Chapter 11 petitions, first days, and other  
 16                   relief (the “First Day Decl.”)<sup>2</sup> filed concurrently herewith and the declaration of Mark M.  
 17                   Weisenmiller, Esq. (the “Weisenmiller Declaration”) set for the below, the Attorney Information  
 18                   Sheet filed contemporaneously herewith, and the papers and pleading on file herein, judicial  
 19                   notice of which is respectfully requested.

#### 18                   MEMORANDUM OF POINTS AND AUTHORITIES

##### 19                   I.

#### 20                   DECLARATION OF MARK M. WEISENMILLER, ESQ.

21                   I, Mark M. Weisenmiller, Esq., declare, under penalty of perjury under the law of the  
 22                   State of Nevada and the United States of America, as follows:

23                   1. I am over the age of 18 and am mentally competent.

24                   2. I am an attorney at Garman Turner Gordon LLP (“GTG”), proposed counsel for  
 25                   Debtors in the Chapter 11 Cases. As such, I have personal knowledge of the facts stated in this  
 26                   Declaration, except where stated upon information and belief, and as to facts stated upon  
 27                   information and belief, I am informed of those facts and believe them to be true. If called upon

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28                   <sup>2</sup> Capitalized undefined terms used herein shall be ascribed the definitions set forth in the First Day Declaration.

1 to testify as to the matters herein, I could and would do so.

2       3. In the First Day Motions, Debtors request interim and/or final orders approving  
 3 and authorizing: (i) maintenance of Debtors' prepetition cash management system and bank  
 4 accounts; (ii) assumption of the Agency Agreement and the store closing sale free and clear of all  
 5 liens, claims, and encumbrances; and (iii) Debtors to obtain postpetition financing, grant liens  
 6 and provide administrative expense status, Debtors' use of cash collateral, adequate protection,  
 7 and other related relief.

8       4. Debtors are requesting that the First Day Motion be heard on shortened time and  
 9 on an emergency basis as necessary to keep the agreement of Debtors, the Agent and Sterling  
 10 together, to stabilize Debtors operations, to allow for a successful Chapter 11 liquidation and  
 11 otherwise avoid irreparable harm. The First Day Motions present various typical emergency  
 12 relief that Chapter 11 debtors like Debtors require at the outset of a Chapter 11 bankruptcy case,  
 13 including but not limited to the following: (a) the use of prepetition cash management systems  
 14 and bank accounts, (b) the approval of postpetition financing, and (f) the use of cash collateral  
 15 subject to an agreed budget.

16       5. Absent immediate access to cash collateral and debtor-in-possession financing  
 17 and the assumption of the Agency Agreement, Debtors will lack sufficient liquidity to continue  
 18 operations, stabilize their operations, and the company will likely be forced to cease operations,  
 19 thereby eliminating any chance they may have for a successful Chapter 11 liquidation and  
 20 resulting in immediate and irreparable harm to Debtors and their estates.

21       6. If Debtors do not remain operating during the pendency of these proceedings,  
 22 Debtors' assets and goodwill will decrease substantially in value and Debtors will run the risk of  
 23 losing existing and prospective customers.

24       7. Furthermore, if the prepetition cash management system or bank accounts are  
 25 disrupted, Debtors will experience immediate and irreparable harm. At a minimum, substantial  
 26 disruptions to Debtors' business would occur by, among other things, delaying collection and  
 27 disbursement of the payments to vendors, employees, and customers. This would in turn harm  
 28 stakeholder confidence, thus disrupting mutually beneficial relationships with trade creditors,

customers, and employees, among others. Such a negative impact on Debtors' operations would hinder a successful reorganization.

8. If the First Day Motions are not heard on August 9, 2018, the deal between Debtors, the Agent and Sterling is likely to fall apart.

**August 9, 2018.**

DATED this 8th day of August 2018.

By: /s/ Mark M. Weisenmiller  
MARK M. WEISENMILLER, ESQ.

## II.

Section 105 allows this Court to issue such orders as are necessary to carry out the provisions of this title. See 11 U.S.C. § 105. Bankruptcy Rule 9006(c)(1) generally permits a bankruptcy court, for cause shown and in its discretion, to reduce the period during which any notice is given in accordance with the Bankruptcy Rules. In particular, Bankruptcy Rule 9006(c)(1) provides as follows:

[e]xcept as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

FED. R. BANKR. P. 9006(c)(1).

Local Rule 9006 provides further authority for shortening the time for a hearing. According to Local Rule 9006(b), every motion for an order shortening time must be accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the Weisenmiller Declaration, there are compelling reasons for an expedited hearing on the First Day Motions. As such, good cause exists to hear the First Day Motions on shortened time on **August 9, 2018**.

Local Rule 9006 also requires the moving party to submit an Attorney Information Sheet indicating whether opposing counsel was provided with notice, whether opposing counsel

consented to the hearing on an order shortening time, the date counsel was provided with notice, and how notice was provided or attempted to be provided. An Attorney Information Sheet was filed contemporaneously with this Application.

### **III. CONCLUSION**

WHEREFORE, Debtors respectfully request that the Court grant this Ex Parte Application and issue an order shortening time to hear the First Day Motions on **August 9, 2018**. Debtors request such other and further relief as the Court deems just and proper.

DATED: August 8, 2018.

## GARMAN TURNER GORDON LLP

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WILLIAM M. NOALL  
GABRIELLE A. HAMM  
MARK M. WEISENMILLER  
650 White Drive, Suite 100  
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*[Proposed] Attorneys for Debtor*

# **EXHIBIT 1**

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17 **UNITED STATES BANKRUPTCY COURT**

18 **FOR THE DISTRICT OF NEVADA**

19 In re: Case No.: BK-S-18-14683-leb  
20 GUMP'S HOLDINGS, LLC, Chapter 11  
21 Debtor. Joint administration requested  
22  
23 Hearing Date:  
Hearing Time:

24  
25 **NOTICE OF HEARING AND ORDER SHORTENING  
TIME TO HEAR FIRST DAY MOTIONS**

26 On August 8, 2018, Gump's Holdings, LLC, Gump's Corp., and Gump's By Mail, Inc.  
27 (collectively, "Debtors"), debtors and debtors-in-possession, filed the following motions:

28 (i) *Motion for Order Authorizing Maintenance of Prepetition Cash*

1                   Management System and Bank Accounts; and Granting Related Relief (the  
 2                   “Accounts Motion”);  
 3

4                   (ii) *Motion for Order (A) Approving Agency Agreement, (B) Authorizing and*  
*Approving Store Closing Sale Free and Clear of All Liens, Claims, and*  
*Encumbrances, (C) Granting Liens, and (D) Granting Related Relief* (the  
 5                   “Agency Agreement Motion”); and  
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7                   (iii) *Emergency Motion for Interim and Final Orders (A) Authorizing the*  
*Debtors to Obtain Limited Post-Petition Financing, (B) Granting Liens*  
*and Providing Administrative Expense Status, (C) Authorizing the*  
*Debtors’ Limited Use of Cash Collateral, (D) Granting Adequate*  
*Protection, (E) Modifying the Automatic Stay, and (F) Granting Related*  
 8                   *Relief* (the “Financing Motion”).  
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10                  (collectively, the “First Day Motions”).  
 11

12                  In the First Day Motions, Debtors request interim and/or final orders approving and  
 13                  authorizing: (i) maintenance of Debtors’ prepetition cash management system and bank  
 14                  accounts; (ii) assumption of the Agency Agreement and the store closing sale free and clear of all  
 15                  liens, claims, and encumbrances; and (iii) Debtors to obtain postpetition financing, grant liens  
 16                  and provide administrative expense status, Debtors’ use of cash collateral, adequate protection,  
 17                  and other related relief.  
 18

19                  The Court, having considered the *Ex Parte Application for Order Shortening Time to*  
 20                  *Hear First Day Motions*, and good cause appearing therefore,  
 21

22                  **IT IS HEREBY ORDERED** and notice is hereby given that the First Day Motions shall  
 23                  be heard by a United States Bankruptcy Judge on the \_\_\_\_\_ day of \_\_\_\_\_  
 24                  \_\_\_\_\_, 2018, at \_\_\_\_\_.  
 25

26                  A copy of the above-referenced First Day Motions and any supporting declarations and  
 27                  exhibits are available free of charge at [www.donlinrecano.com/gumps](http://www.donlinrecano.com/gumps), on file with the clerk of  
 28                  the United States Bankruptcy Court for the District of Nevada, Foley Federal Building and U.S.  
 29                  Courthouse, 300 S. Las Vegas Blvd, Las Vegas, NV 89101, or may be obtained by emailing  
 30                  Mark M. Weisenmiller, Esq. at the address listed above.  
 31

32                  **IT IS HEREBY FURTHER ORDERED** that service of this Order Shortening Time  
 33                  shall be served within \_\_\_\_ days of entry; that any oppositions to the First Day Motions must be  
 34

1 \_\_\_\_\_; that replies to any oppositions filed must be filed and  
2 served by \_\_\_\_\_; and that this hearing may be continued from time to time  
3 without further notice except for the announcement of any adjourned dates and times at the  
4 above noticed hearing or any adjournment thereof.

5 **IT IS SO ORDERED.**

6 PREPARED AND SUBMITTED:

7 GARMAN TURNER GORDON LLP

8 By: /s/ Mark M. Weisenmiller  
9 WILLIAM M. NOALL, ESQ.  
GABRIELLE A. HAMM, ESQ.  
10 MARK M. WEISENMILLER, ESQ.  
*Attorneys for Debtor*

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